

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GEOFFREY W. FREEMAN,

Plaintiff,

v.

**DENNIS HASEMEYER,
and ALAN UCHTMAN,**

Defendants.

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Civil No. **01-665-CJP**¹

ORDER

PROUD, Magistrate Judge:

Before the court are plaintiff's Request for Final Order on Motion for Relief from Judgment and Renewed Motion for Relief from Judgment. **(Docs. 160 and 167)**. Defendant has filed a Response. **(Doc. 168)**.

Plaintiff has asked the Court to reinstate two claims, Counts 4 and 5 of his First Amended Complaint. **(Doc. 8)**. In these counts, plaintiff seeks injunctive relief for alleged discrimination on the basis of race in the segregation unit at Menard Correctional Center. Judge Stiehl granted defendants' motion for summary judgment because plaintiff had been transferred from Menard to another prison, rendering his claim for injunctive relief moot. **See, Doc. 114**.

After Judge Stiehl entered his Order, plaintiff was transferred back to Menard Correctional Center. **See, Doc. 120**. Furthermore, plaintiff has again been placed in segregation. **See, Doc. 167**. Because plaintiff is again present in the segregation unit at Menard Correctional

¹Upon consent of the parties, on November 24, 2004, this case was assigned to the undersigned for final disposition. See, Doc. 126.

Center, there is a “reasonable showing that [the plaintiff] will again be subject to the illegality.”
City of Los Angeles v. Lyons, 461 U.S. 95, 109, 103 S.Ct. 1660, 1669, 75 L.Ed.2d 675 (1983).

Defendants agree that Counts 4 and 5 of plaintiff’s First Amended Complaint (**Doc. 8**) are no longer moot. Defendants suggest that, if those counts are reinstated, that the current warden of Menard be substituted as defendant, and that the parties be given leave to amend the final pre-trial order to include witnesses and exhibits related to claims contained in Counts 4 and 5.

Upon consideration and for good cause shown, plaintiff’s Request for Final Order on Motion for Relief from Judgment and Renewed Motion for Relief from Judgment (**Docs. 160 and 167**) are **GRANTED as follows:**

Counts 4 and 5 of plaintiff’s amended complaint are reinstated;

Alan Uchtman, the current warden of Menard, is substituted as defendant on Counts 4 and 5, pursuant to **Fed. R. Civ. P. 25(d)**;

Defendant Uchtman shall file a pleading responsive to reinstated Counts 4 and 5 on or before **October 21, 2005**; and

The parties are ordered to file a supplemental final pretrial order, relating to Counts 4 and 5, on or before **November 21, 2005**.

IT IS SO ORDERED

DATE: October 5, 2005.

s/ Clifford J. Proud
CLIFFORD J. PROUD
U.S. MAGISTRATE JUDGE